



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/976,529	10/11/2001	Jeffrey R. Peterson	9750	1497
26884	7590	11/21/2003	EXAMINER	
PAUL W. MARTIN LAW DEPARTMENT, WHQ-5E 1700 S. PATTERSON BLVD. DAYTON, OH 45479-0001			ALPHONSE, FRITZ	
		ART UNIT	PAPER NUMBER	
		2675	6	
DATE MAILED: 11/21/2003				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	09/976,529	PETERSON, JEFFREY R.
	Examiner Fritz Alphonse	Art Unit 2675

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 11 October 2001.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-9 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) The proposed drawing correction filed on _____ is: a) approved b) disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some * c) None of:
1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

- 14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) The translation of the foreign language provisional application has been received.
- 15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ | 6) <input type="checkbox"/> Other: _____ |

Art Unit: 2675

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-3, 6-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Briechle (U.S. Pat. No 5,977,998) in view of Park (U.S. Pat. No. 5,790,214).

As to claim 1, Briechle (figs. 1-8) shows a display system for electronic label (i.e., ESL; col. 3, lines 15-24) comprising: a first display (61a) and a second display (61b) disposed side by side of the ESL for displaying information; a memory device for storing the information to be displayed (col. 2, lines 5-17) and at least one ESL identification number (Briechle teaches about identification of label 15 representing a unique address; col. 4, lines 35-54); communication circuitry for receiving commands (note (fig. 6) the push-button 5 to receive commands from a customer; col. 4, lines 40-47); and ESL circuitry (fig. 6) for controlling the operation of both the first display (61a) and the second display (61b). See column 4, lines 15-35; col. 5, lines 40-47.

Briechle does not explicitly disclose a first display disposed on a first side of the ESL and a second display disposed on a second side of the ESL.

Art Unit: 2675

However, in the same field of endeavor, Park (figs. 2-3) show a LCD display device comprising a dual-faced portion for displaying information on a first display disposed on a first side and a second display disposed on a second side of a cash register.

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify Briechle's display system by adding a dual-faced LCD, as disclosed by Park. Doing so would allow both a clerk and a customer to view the display at the same time.

As to claims 2-3, Briechle discloses an ESL, wherein an identification number is associated with both displays, and wherein both the first display and the second display the same information (col. 10, lines 34-39).

As to claims 6-7, Briechle discloses an ESL, wherein the communication circuitry receives a command from a host computer directing the ESL to display a message on the first display (col. 10, lines 19-28), and wherein the communication circuitry receives a command from a host computer directing the ESL to display a message on both the first display and the second display (col. 9, lines 4-27).

As to claim 8, Briechle discloses an ESL, wherein the ESL is mounted on a shelf rail and perpendicular to the shelf rail (see col. 3, lines 15-18).

As to claim 9, method claim 9 corresponds to apparatus claim 1; therefore, it is analyzed as previously discussed in claim 1 above.

As to claim 10, the claim differs from claim 1 by the additional limitations "a first display disposed on a front side of the ESL for displaying information; a second display disposed on a rear

Art Unit: 2675

side opposed the front side of the ESL for displaying information". However, these limitations are disclosed by Park (col. 2, lines 32-37). See the motivation above.

3. Claims 4-5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Briechle in view of Park as applied to claim 1 above, and further in view of IBM (NN7797736).

As to claim 4, Briechle does not teach about a first ESL identification number is associated with the first display and a second ESL identification number is associated with the second display.

However, IBM (see disclosure text and figure 3) teaches that "double sided display card 26 is fixed within casing 20 and exhibits different numerals on both sides of card 26...".

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to replace Briechle's ESL display with the remote display device, as disclosed by IBM. Doing so would be necessary to a user at a grocery checkout counter, with the items sold being checked out from either side of the terminal or from the rear.

As to claim 5, the claim has substantially the limitations of claim 4, therefore, it is analyzed as previously discussed in claim 4 above.

Response to Arguments

4. Applicant's arguments with respect to claims 1-10 have been considered but are moot in view of the new ground(s) of rejection.

Art Unit: 2675

Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Shigeta et al. (U.S. Pat. No. 4,973,951) discloses a double-sided display apparatus.

Sutherland (U.S. Pat. No. 5,751,257) discloses a programmable shelf tag and method for charging and updating shelf tag information.

Goodwin, III (U.S. Pat. No. 6,445,370) discloses an electronic price label which displays relative information.

Finster et al. (U.S. Pat. No. 6,217,966) discloses a shelf talker management system.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Fritz Alphonse whose telephone number is (703) 308-8534.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Steve Saras, can be reached at (703) 305-9720.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington, D.C. 20231

or faxed to:

(703) 872-9314 (for Technology Center 2600 only)

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA., Sixth Floor (Receptionist).

Art Unit: 2675

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology Center 2600 Customer Service Office whose telephone number is (703) 306-0377.



F. Alphonse

Art Unit: 2675

November 14, 2003



STEVEN SARAS
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600